

FILED BY ew D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DISTRICT

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ERIC A. COULD
CLERK, U.S. DISTRICT COURT
WD OF TN, JACKSON

PHARIS BROWN)
)
 Plaintiff)
)
 v.) CIVIL CASE NO. 1:05-1176
) JUDGE: JAMES TODD
 LOWE'S HOME CENTERS, INC.) MAGISTRATE: THOMAS ANDERSON
)
 Defendant)

PROPOSED JOINT RULE 16 (b) SCHEDULING ORDER

In accordance with the Court's Order, the parties have conferred and submit this Proposed Joint Rule 16(b) Scheduling Order.

Pursuant to the scheduling conference set by written notice, the following dates are established as the final dates for:

1. INITIAL DISCLOSURES (RULE 26(a)(1)):

The parties shall exchange their initial disclosures by October 18, 2005, which is 14 days after the date set for the Scheduling Conference.

2. JOINING PARTIES:

Plaintiff shall have until December 5, 2005 within which to file a motion to join additional parties. Defendant shall have until January 4, 2006 within which to file a motion to join any additional parties.

3. AMENDING PLEADINGS:

The parties shall have until December 5, 2005 within which to file a motion to amend the pleadings.

4. COMPLETING ALL DISCOVERY:

The parties shall have until June 2, 2006 within which to complete all discovery. Any and all discovery requests shall be served sufficiently in advance such that the anticipated responses are due by June 2, 2006.

(a) REQUESTS FOR PRODUCTION, INTERROGATORIES AND REQUEST FOR ADMISSIONS: The parties shall have until June 2, 2006 within which to complete all written discovery, including any requests for production of documents, interrogatories and/or requests for admissions. Any and all written discovery requests shall be served sufficiently in advance such that the anticipated responses are due by June 2, 2006.

(b) EXPERT DISCLOSURE (Rule 26(a)(2)):

- (i) Plaintiff's Experts:** Plaintiff shall disclose any expert, and provide the information called for in Rule 26 by April 3, 2006.
- (ii) Defendant's Experts:** Defendant shall disclose any expert, and provide the information called for in Rule 26 by May 2, 2006.
- (iii) Supplementation under Rule 26(e):** Any supplementation to expert information shall be provided by May 12, 2006.

(c) DEPOSITIONS OF EXPERTS: Any deposition of experts shall be completed by June 2, 2006 unless a later date is authorized by the Court due to special circumstances.

5. FILING DISPOSITIVE MOTIONS:

All dispositive motions shall be filed by June 23, 2006.

6. FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- (a) Plaintiff shall submit a final list of witnesses and exhibits by no later than September 1, 2006.
- (b) Defendant shall submit a final list of witnesses and exhibits by no later than September 15, 2006.

Parties shall have 10 after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 2-3 days and is SET for JURY TRIAL on OCTOBER 16, 2006 at 9:30 a.m. A joint pretrial order is due on OCTOBER 6, 2006. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Request for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allows 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for

filings of such motion is extended for good cause shown, or any objection to the default, response or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.

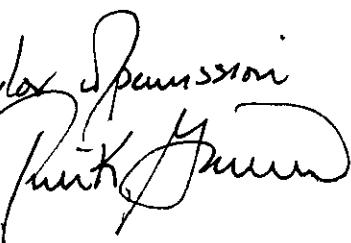

S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: October 03, 2005

APPROVED FOR ENTRY:

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Notice of Distribution

This notice confirms a copy of the document docketed as number 7 in case 1:05-CV-01176 was distributed by fax, mail, or direct printing on October 6, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT